

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JOSE ALFREDO SUAREZ,  
Plaintiff,  
v.  
O. VALLADOLID, et al.,  
Defendants.

No. 1:22-cv-00160-SAB (PC)  
ORDER DENYING WITHOUT PREJUDICE  
PLAINTIFF'S MOTION FOR COURT  
ORDER  
(ECF No. 167)

Following a jury trial in this matter pursuant to 42 U.S.C. § 1983, judgment was entered in favor of Defendants on August 14, 2024.

Plaintiff filed a notice of appeal on August 26, 2024. (ECF No. 159)

On September 13, 2024, Plaintiff filed a motion requesting a court order to direct prison officials to return his legal materials in order to litigate his appeal in this matter. (ECF No. 167.)

To the extent Plaintiff requests the *district* court issue an order directing prison officials to return his legal materials, it is now without jurisdiction to grant the requested relief. See Hoffman v. Beer Drivers & Salesmen's Local Union No. 888, 536 F.2d 1268, 1276 (9th Cir. 1976) ("an appeal to the circuit court deprives a district court of jurisdiction as to any matters involved in the appeal"); Erikson Prods. v. Kast, 769 Fed. App'x 482 (9th Cir. 2019). Thus, the requests should be made to the Ninth Circuit.

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1           Accordingly, it is HEREBY ORDERED that Plaintiff's motion for a court order (ECF No.  
2 167) is **DENIED** without prejudice to filing the requests with the Ninth Circuit, which currently  
3 has jurisdiction over this action.

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5 IT IS SO ORDERED.

6 Dated: September 16, 2024



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UNITED STATES MAGISTRATE JUDGE